

DELEGATED APPLICATION REPORT

SITE ADDRESS: 83-85 London Street, Reading, RG1 4QA

APPLICATION NUMBER: 181880/OPA

PROPOSAL: Change of use from Class B1(a) (offices) to C3 (dwelling houses) to comprise 18 X 1-bed dwellings. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

INTRODUCTION

The application site comprises a three storey terraced building on the eastern side of London Street. The building is located in the Market Place/London Street Conservation Area and the building was last used for B1(a) offices.

PROPOSAL

The application seeks change of use of the first floor office from Class B1(a) (offices) to C3 (dwelling houses) to comprise 18 x 1-bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE

Legal context

Class O allows development consisting of a change of use of a building and any land within its curtilage to Class C3 dwellinghouses (houses or flats) from a Class B1(a) office use.

As set out in Para 0.2 of Class O (as amended), development is permitted subject to the condition that before beginning the development, the development shall apply to the local planning authority for a determination as to whether the prior approval of the local authority will be required as to:

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) apply in relation to that application.

In assessing these issues, officers must have regard to the NPPF as if the application were a planning application, and also have regard to the Local Development Framework (the NPPF states that due weight should be given to the adopted policies of the Local Development Framework according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given)).

Reading Borough LDF Core Strategy - Adopted January 2008

CS34 Pollution and Water Resources

PLANNING HISTORY

140604 - OPA - Change of use of ground, first and second floors from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 6 studio flats, 4 x 2 bed flats and 1 x 1 bed flat.
REFUSED 17/06/2014

141720 - OPA - Change of use of ground, first and second floors from Class B1(a)(offices) to C3 (dwellinghouses) to comprise 6 studio flats, 4 x 2 bed flats and 1 x 1 bed flat.
APPROVED 22/12/2014

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

A site notice was displayed at the application site from 17 December 2018. The 21 day statutory consultation period ends on 7 January 2019. Although the consultation period has not
No responses have been received.

CONSULTATION RESPONSES

Transport: No objections, subject to Informatives.

Environmental Protection: No objection subject to an informative being attached to the approval to further identify that should contamination risks be identified on the site, it must be reported to the Local Planning Authority. In addition, an informative that construction is to be undertaken between the hours of 0800 - 1800 Mon-Fri, and 0900 - 1300 on Saturdays, with no noisy construction on Sundays or bank holidays.

APPRAISAL

Development is not permitted by Class O in the following instances (officer comments follow in **bold**):

O.1 Development is not permitted by Class O if—

- (a) the building is on article 2(5) land; **COMPLIES**
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
 - (i) on 29th May 2013, or **COMPLIES** - The application form states that the use of the application site immediately before the 30th May 2013 was as 'B1 (office)'. This is consistent with the application forms and officer reports for applications 140604, which notes the use of the building to be as B1a offices.
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use; **N/A**
- (c) the site is, or forms part of, a safety hazard area; **COMPLIES**
- (d) the site is, or forms part of, a military explosives storage area; **COMPLIES**
- (e) the building is a listed building or is within the curtilage of a listed building; or **COMPLIES**
- (f) the site is, or contains, a scheduled monument. **COMPLIES**

Conditions:

O.2.—

(1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date

ASSESSMENT OF CONDITIONS O.2

(a) Transport and highways impact of the development

The site is located within the Zone 2, the primary core area but on the periphery of the central core area which lies at the heart of Reading Borough, consisting primarily of retail and commercial office developments with good transport hubs. The area is well served by rail and bus links and also contains the largest proportion of public car parking spaces and is close proximity of the Oracle shopping centre and multi-storey car park. London Street and the surrounding classified road network all have parking restrictions preventing on-street parking. London Street forms part of the A327 and operates one way southbound with a northbound bus lane that is enforced 24 hours a day; It is also part of the London Street conservation area.

In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide parking provision of 1 car parking space per unit, equating to a total of 18. In addition to this visitor parking would also be required at a ratio of 1 parking space per 4 dwelling, therefore the total off road parking provision for this development would be 22. Plans do not indicate that any off road parking is to be provided for the proposed units.

As the site is within 350m of the Oracle shopping centre and multi-storey car park and Broad Street with a range of shops and services, the non- provision of private parking is acceptable for this development. In addition to this, the site is located within walking/cycling distance of Reading town centre and in close proximity to two town centre car parks ; however, the parking informative should be applied to prevent any future occupants of the flats from obtaining a residents parking permit for the surrounding residential streets where parking is under considerable pressure, this will ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area.

In the circumstances it is considered that the proposed change of use would not have a material impact on the character of the traffic in the vicinity of the site. Therefore, there are no Transport objections to prior approval being given for the proposed change of use.

There are no Transport objections to this application subject to the Informatives stated below.

(b) Contamination risks on the site

The site is located within an area of potential contaminated land, as the site of a previous slaughterhouse. The applicant has previously submitted a contaminated land report, with associated assessments. The local planning authority's environmental health officers have reviewed the contaminated land risk assessment submitted with a previous application (Geo-Environmental, August 2014, GE10206GIR). This concludes that no remediation is required. And have recommend the following informative:

There are no Environmental Health objections to this application subject to the Informatives stated below.

(c) Flooding risks on the site

The site is not located within flood zone 2 or 3.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

The legislation only allows the Council to consider the potential impact of noise from commercial premises on the intended occupiers of the development, and therefore traffic noise, unless directly associated with commercial premises in the vicinity of the application site, cannot be taken into consideration. The site is situated two doors down from the commercial premises Shehnia Banqueting Suite 75-77 London St. We have received complaints about noise from this premises when they hold certain events and have therefore considered whether a noise assessment is required. However, there is no information to suggest that this impacts residents on a regular basis, and the site does not directly adjoin the premises, on balance we may not be able to require a noise assessment to be carried out.

RECOMMENDATION

GRANT Prior Approval subject to the following conditions:

Conditions

1. The development permitted must be completed before the expiration of three years from the date of this prior approval.

Reason: To comply with the provisions of paragraph O.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

2. The development shall be carried out only in accordance with the submitted information and details:

Drawing Number:

- 413-03-10 - T1 - Proposed Floor Plans

As received: 31/08/2018

Reason: In order to comply with the provisions of Part Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

Informatives

1. The applicant is advised that as an application for prior approval under Class O, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2016, this prior approval notice relates to the change of use of the building from Class B1(a) to C3 (dwellinghouses) only and no other use.
2. This prior approval relates only to the change of use of existing floor space and land. If there are any external alterations or extensions to the building, planning permission is required for these. The grant of prior approval does not make the development lawful.
3. The occupiers of the residential unit(s) will not be automatically entitled to an on-street car parking permit. Current and new occupiers should be informed of this and be advised to find out more about parking permits on the Council's website. There is already a high level of on street car parking in the area and the site is located close to local facilities, with frequent public transport services on nearby roads.
4. i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.
ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.
5. In connection with the implementation of this office prior approval, no noisy construction, demolition and associated activities should take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. No noisy works shall take place at any time on Sundays and Bank or Statutory Holidays. Please refer to the Council's website for more detailed information:
<http://beta.reading.gov.uk/article/2565/What-noise-is-acceptable-during-construction-and-demolition-work>

6. To minimise the disturbance by noise of future residential occupiers of the flats and its effect on neighbouring residents, residential accommodation must be designed and constructed or converted so as to achieve the insulation requirements set out in Building Regulations Approved Document E.
7. We commonly receive complaints about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and about smoke from bonfires associated with the burning of waste on site of minor developments.